

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERNEST MILLER, JR.,

No. C 08-009 SI (pr)

Plaintiff,

ORDER OF TRANSFER

v.


CDC SECRETARY McGRATH; et al.,

Defendants.

Ernest Miller, Jr., filed this civil rights action under 42 U.S.C. § 1983, complaining of acts and omissions that occurred at the High Desert State Prison in Susanville, California. Susanville is in Lassen County, within the venue of the Eastern District of California. The defendants, all of whom allegedly are employed at the prison or at the California Department of Corrections & Rehabilitation headquarters in Sacramento County, also apparently reside in the Eastern District of California. Venue therefore properly lies in that district and not in this one. See 28 U.S.C. § 1391(b). Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter.

IT IS SO ORDERED.

Dated: January 8, 2008


SUSAN ILLSTON
United States District Judge